

District Judge Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

*In re former Employees of Washington Mutual
Bank v. FDIC as Receiver for Washington
Mutual Bank, et al.*

Master File No. C09-0504 RAJ

MARK J. CONWAY, et al.,

Case No. C09-0781 RAJ

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Washington
Mutual Bank, and as in its corporate capacity,

STIPULATED MOTION FOR
VOLUNTARY DISMISSAL OF
ALL CLAIMS AGAINST THE
UNITED STATES OF AMERICA

Defendants.

**Noted on motion calendar for
January 21, 2010.**

JOINT STIPULATION

In May, June and July of 2009, Plaintiffs McQuay, Kleven, Liabraaten, Conway, Melby, Nichols and Du Bey filed a lawsuit against the United States of America.¹ On November 5, 2009, and November 13, 2009, Plaintiffs filed Third and Fourth Amended Complaints, respectively, which did not list the United States of America in the caption and eliminated any and all claims against the United States in the text of the Complaints. *See* Dkt. Nos. 32 and 37. Many plaintiffs have now been added and eliminated from this action and the docket may not

¹ The case numbers and the Complaint filing dates for the above-mentioned plaintiffs are listed as follows: Plaintiffs McQuay, Kleven and Liabraaten (WDWA Case No. 09-0568 RAJ, Dkt. No. 2, filed May 19, 2009); Plaintiff Conway (WDWA Case No. 09-0781 RAJ, Dkt. No. 2, filed June 15, 2009); Plaintiff Melby (WDWA Case No. 09-0750 RAJ, Dkt. No. 6, filed July 23, 2009); and Plaintiffs Nichols and Du Bey (WDWA Case No. 09-0711 RAJ, Dkt. No. 1, filed May 20, 2009).

clearly reflect the identities of all the parties. Consequently, in an effort to clarify matters for the Court and for the parties, the parties hereby STIPULATE and AGREE to dismiss all claims against the United States of America without claim of either party to attorneys fees or costs. This stipulation does not affect and has no bearing on Plaintiffs' claims against the remaining defendant, Federal Deposit Insurance Corporation ("FDIC"), as Receiver for Washington Mutual Bank, and as in its corporate capacity.

DATED this 21st day of January, 2010.

JENNY A. DURKAN
United States Attorney

BRESKLIN JOHNSON & TOWNSEND,
PLLC

/s/Priscilla T. Chan
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Attorney for Plaintiffs

Attorneys for Defendant United States

ORDER

The parties having so stipulated, IT IS ORDERED. The clerk shall send copies of this order to all parties.

DATED this _____ day of January, 2010.

RICHARD A. JONES
UNITED STATES DISTRICT JUDGE

1 Presented by:

2 JENNY A. DURKAN
3 United States Attorney

4 /s/Priscilla T. Chan
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JOINT STIPULATION FOR VOLUNTARY DISMISSAL
OF ALL CLAIMS AGAINST THE UNITED STATES OF AMERICA
[CASE NO. 09-0504 RAJ] - 3

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record.

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I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via USPS mail, postage pre-paid.

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DATED this 21st of January, 2010.

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